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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,327	01/14/2002	Durga P. Satapathy	1441	9579
21396	7590	10/28/2005	EXAMINER	
Sprint 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			LIN, WEN TAI	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/047,327

Applicant(s)

SATAPATHY ET AL.

Examiner

Wen-Tai Lin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/19/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 15-17 and 62-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 15-17 and 62-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-11, 15-17 and 62-65 are presented for examination. Claims 12-14, 18-61 and 66-75 have been canceled.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

### ***Claim Rejections - 35 USC § 102***

3. Claims 1-11 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by McHale et al.[U.S. 6385203].
4. As to claims 1 and 5-6, McHale teaches the invention as claimed including: a system for accessing a plurality of access technologies [Abstract; Fig.1] comprising:
  - a transceiver configured to communicate via a network protocol [108, Fig.3];
  - a premises device configured to communicate via a premises protocol [e.g., 12, Fig.1]; and
  - an access device configured to communicate with the transceiver and the premises device using the plurality of access technologies [e.g., XDSL including ADSL, SDSL, HDSL, etc.] to receive a communication, to dynamically determine an access

technology type for the communication from among the plurality of access technologies, to reformat the communication for another access technology type, and to transmit the communication [Fig.2; col.8, lines 33-65].

5. As to claim 2, McHale further teaches that the access device comprises:
  - a network interface configured to communicate via the network protocol with the transceiver [e.g. 60, Fig.1];
  - a service hub configured to communicate via the premises protocol with the premises device [e.g., 50, Fig.1]; and
  - a central core configured to dynamically determine the access technology type and to reformat the communication [e.g., 58, Fig.1].
6. As to claim 3, McHale further teaches that the access device is configured to support voice service and data service [e.g., 20, 22, Fig.1].
7. As to claim 4, McHale further teaches that the access device is configured to dynamically map voice service to a first access technology [e.g., voice via the traditional telephone network] and to dynamically map data service to a second access technology [e.g., data via the XDSL for packet data network].
8. As to claims 7 and 9, McHale further teaches that the access device is configured to communicate with the transceiver using at least one member of a group

comprising a wireline access technology and a wireless access technology [56, Fig.1; col.6, lines 1-14].

9. As to claims 8, 10 and 16, McHale further teaches that the access device is configured to communicate with the transceiver using at least one member of a group comprising asynchronous digital subscriber line, single line digital subscriber line, high bit-rate digital subscriber line, very high data rate digital subscriber line, cable television, multipoint multichannel distribution service, local multipoint distribution system, personal communications service, a satellite link, internet protocol, and asynchronous transfer mode [col.2, lines 26-46].

10. As to claim 11, McHale further teaches that the access device is configured to format the communication according to at least one member of a group comprising a signal format, a frame format, an access standard, an access protocol, and a medium access control emulation [col.6, lines 36-42].

11. As to claim 12, McHale further teaches that the signal processing comprises at least one member of a group comprising coding, decoding, modulation, demodulation, filtering, and applying multimedia processing [col.7, lines 10-24].

12. As to claim 13, McHale further teaches that the modulation comprises at least one member of a group comprising quadrature amplitude modulation, quaternary phase

shift keying, orthogonal frequency division multiplexing, and carrierless amplitude and phase modulation [col.7, lines 10-24].

13. As to claim 14, McHale further teaches that the demodulation comprises at least one member of a group comprising quadrature amplitude modulation, quaternary phase shift keying, orthogonal frequency division multiplexing, and carrierless amplitude and phase modulation [Fig.5; col.13, lines 40-50].

14. As to claim 15, McHale further teaches that the frame format comprises at least one member of a group comprising an internet protocol format, an asynchronous transfer mode format, a high level data link control format, an ethernet format, a synchronous optical network format, and at least one digital signal level format [e.g., col.6, lines 36-42].

15. As to claim 17, McHale further teaches that the access standard comprises at least one member of a group comprising IEEE 802.11a, IEEE 802.11b, IEEE 802.16, IEEE 802.16a, IEEE 802.16b, IEEE 802.3, ETSI HIPERMAN, Bluetooth, simple workflow access protocol, home phone line networking alliance, and data over cable service interface specifications [col.6, lines 36-42; note that Ethernet uses IEEE 802.3 standard].

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16. As to claims 62-65, since the features of these claims can also be found in claims 1-11 and 15-17, they are rejected for the same reasons set forth in the rejection of claims 1-11 and 15-17 above.

17. Applicant's arguments filed on 8/19/2005 for claims 1-11, 15-17 and 62-65 have been fully considered but they are not deemed to be persuasive.

18. Applicant argues in the remarks that McHale does not teach reformatting the communications from one access technology type to another access technology type because the access type on McHale's subscriber side of communication server (58, Figs. 1-2) is the same as on the modem side.

19. The examiner respectfully disagrees with applicant's remarks because McHale clearly teaches that the modems chosen from the modem pool (in response to detecting different access types such as ADSL, SDSL, etc.) " [see col.8, lines 58-60] convert signals in an appropriate XDSL communication protocol into digital data in an appropriate digital protocol on digital lines", wherein the digital data format is certainly an another access technology type [e.g., the output of he communication server 58 is linked to various type of high-speed data lines accessible by a router or other network device [col.6, lines 43-56]. For at least the above reasons, it is submitted that the prior art reads on the claims.

20. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

**Examiner note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:


(571) 273-8300 for official communications; and

(571) 273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

October 26, 2005

  
10/26/05